APPENDIX A.

Filed 6-12-68.

IN THE SUPREME COURT OF TEXAS.

No. B-762.

ELIJAH WHITE RATCLIFF
versus
E. IVAN BRUCE, ET AL.

May 15, 1968

From Galveston County,
Fourteenth District.

Application of petitioner for writ of error to the Court of Civil Appeals for the Fourteenth Supreme Judicial District having been duly considered, and the Court having determined that the application presents no error requiring reversal of the judgment of the Court of Civil Appeals, it is ordered that said application be, and hereby is, refused.

It is further ordered that applicant, Elijah White Ratcliff, and his sureties, D. M. White and Sibbie A. White, pay all costs incurred on this application.

No. B-762.

ELIJAH WHITE RATCLIFF
versus
E. IVAN BRUCE, ET AL.

June 5, 1968

From Galveston County,
Fourteenth District.

Petitioner's motion for rehearing of application for writ of error having been duly considered, it is ordered that said motion be, and hereby is, overruled.

I, GARSON R. JACKSON, Clerk of the Supreme Court of Texas, do hereby certify that the above and foregoing is a true and correct copy of the orders of the Supreme Court of Texas in the case numbered and styled as above, as the same appears of record in the minutes of said Court under the dates shown.

WITNESS my hand and the seal of the Supreme Court of Texas, at the City of Austin, this, the 5th day of June, 1968.

GARSON R. JACKSON,
Clerk,
By JEWELL SEELIGER,
(Mrs. Jewell Seeliger),
Deputy.

THE STATE OF TEXAS,
COUNTY OF HARRIS.

I, RICHARD E. TISDALE, Clerk of the Court of Civil Appeals, Fourteenth Supreme Judicial District of Texas, at Houston, do hereby certify that the preceding 2 pages contain a true and correct copy of the Order of the Supreme Court of Texas in cause No. 10, ELIJAH WHITE RATCLIFF, APPELLANT, vs. E. IVAN BRUCE, ET AL, APPELLEES from Galveston County, and now on file in my office.

TO CERTIFY WHICH, I hereunto set my hand and affix the Seal of Said Court, at Houston, this the 26th day of June, A.D. 1968.

RICHARD E. TISDALE,
(Seal) Clerk,
By .....,
Deputy.

APPENDIX B.

Court of Civil Appeals
14th Supreme Judicial District
Civil Courts Building
Houston, Texas 77002

Bert H. Tunks
Chief Justice

Richard E. Tisdale
Clerk

John M. Barron
Sam D. Johnson
Associate Justices

Phone
713 CA 8-8311 - Ext. 7291

February 7, 1968

Honorable Elijah W. Ratcliff
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Honorable Crawford C. Martin
Attorney General
Honorable John H. Banks
Assistant
Box R, Capitol Station
Austin, Texas 78711

RE: 10, Elijah White Ratcliff v. E. Ivan Bruce, et al, from Galveston

Dear Sirs:

Please be advised that on this date in the above cause the Court OVERRULED appellant's motion for rehearing.

Respectfully,
RICHARD E. TISDALE,
(Richard E. Tisdale),
Clerk.

Affirmed, and opinion filed January 17, 1968.

No. 10.

ELIJAH WHITE RATCLIFF,
Appellant,

versus

E. IVAN BRUCE, ET AL.,
Appellees.

Appeal from District Court of Galveston County, Texas.

On September 3, 1964, the plaintiff in the trial court, appellant here, was admitted to John Sealy Hospital in Galveston, Texas, where he was examined and given psychiatric treatment until November 20, 1964. Plaintiff was admitted to the hospital on the authority of the defendant, Dr. E. Ivan Bruce. Plaintiff alleged that he was confined and treated without his consent and sought recovery of

compensatory and exemplary damages. The defendants, appellees here, are Dr. Truman Blocker, Jr., Executive Director and Dean of the University of Texas Medical Branch in Galveston, Texas, and Dr. E. Ivan Bruce, professor of psychiatry at the University of Texas Medical Branch in Galveston. The plaintiff, a licensed attorney, represented himself in the trial court and represents himself on appeal.

The trial court granted a motion for summary judgment in favor of the defendant, Dr. Truman Blocker, Jr. The jury found that on the occasion in question, the plaintiff was not confined to the hospital without his consent and the trial court rendered judgment on the verdict for the defendant, Dr. E. Ivan Bruce.

Plaintiff has appealed. The points of error upon which this appeal is based, are, briefly stated: (1) the court erred in granting the motion for summary judgment in behalf of the defendant, Blocker; (2) the court erred in overruling the plaintiff's challenge of a juror for cause; (3) the court erred in admitting, over plaintiff's objection, evidence offered by the defendant, Bruce, and in excluding, on defendant's objection, evidence offered by the plaintiff; (4) the court in refusing to permit plaintiff to file a trial amendment.

It is to be noted that no point of error challenges the sufficiency of the evidence to support the jury's findings that the plaintiff was not confined without his consent.

Neither Dr. Blocker's motion for summary judgment, the affidavits in support thereof nor the plaintiff's answer, if any, thereto, are included in the transcript. We therefore, obviously, cannot say that the trial court erred in granting the motion. However, the evidence shown in the statement of facts conclusively shows that Dr. Blocker, personally, did not have anything to do with the plaintiff's admission to the hospital nor with his treatment while he was there. The titles of the two defendants would indicate that Dr. Blocker was authorized to exercise some supervision over Dr. Bruce, but the plaintiff was a private patient of Dr. Bruce and there isn't even any suggestion in the record that Dr. Blocker had any supervision, whatever, over such activity of the professor. The evidence showed that Dr. Bruce had the privilege of accepting and treating private patients.

Even if it could be inferred that Dr. Blocker had some supervisory authority over the acceptance and treatment of patients by professors associated with the medical school and under his supervision, he was a state official and, as such, the doctrine of respondeat superior was not generally applicable so as to make him liable for the wrongful conduct, if any, of Dr. Bruce. State v. Morgan (Com.App.) 170 S.W. 2d 652; Tumlinson v. City of Brownsville, 178 S.W. 2d 546, err. ref.; Clough v. Worsham, 74 S.W. 350, err. ref.

The appellant's point of error that the trial court erred in rendering summary judgment for the appellee, Dr. Blocker, is overruled.

On voir dire examination of the jury panel by plaintiff, a member of the panel, Mrs. McDonald, said that her husband was a doctor. The following questions and answers were then made:

"Question: Do you think you could evaluate the conduct of a physician with his patient objectively in spite of the fact you are the wife of a physician?

"Answer: If you mean would I try to be a good juror, I would have to say 'Yes.'

"Question: In other words, do you believe that you would be successful in giving an honest verdict?

"Answer: I would try to be honest.

"Question: Thank you."

At the conclusion of the voir dire examination of the panel, the plaintiff proceeded to exercise his peremptory challenges by placing an "x" mark beside the names of eight jury panelists and turned in his jury list to the clerk in accordance with Rule 234, T.R.C.P. He was, of course, entitled to only six peremptory challenges. The clerk reproduced on the jury list the names of the first twelve jurors who had not been challenged, ignoring the plaintiff's challenge to Mrs. McDonald which, reading from the top of the list, was plaintiff's seventh peremptory challenge. Thereupon, the jury was sworn and seated in the jury box and those members of the panel not chosen were excused. It was then that, for

the first time, plaintiff announced to the court that he challenged Mrs. McDonald, as a juror, for cause. The court overruled the challenge.

We hold that the trial court did not err in overruling plaintiff's challenge for cause. Nothing in the record shows any disqualification per se of the juror. Article 2134, Sec. 4, V.A.T.S., provides that any person who has a biased or prejudiced opinion in favor of or against either of the parties to a lawsuit is disqualified to serve as a juror. Bias or prejudice is an intangible factor. Naturally, situations may arise under which a factual finding, on the basis of such intangibles, must be made as to whether the prospective juror, is, in fact, biased or prejudiced. Under those circumstances the trial court must make that fact finding. His overruling of a challenge for cause to the prospective jurors carries with it an implied finding that there exists no such bias or prejudice as to constitute a disqualification. That fact finding will not be disturbed in the absence of an abuse of discretion. Swap Shop v. Fortune, (Tex. Sup.Ct.), 365 S.W.2d 151; Allbright v. Smith (Com. App.) 5 S.W.2d 970; Bashrum v. Vinson, 330 S.W.2d 538, writ ref., n.r.e.

We are further of the opinion that the plaintiff's challenge for cause was not timely under the circumstances of this case. He was not entitled to stand by until he learned the result of the defendant's exercise of his peremptory challenges before he challenged a juror for cause, or otherwise.

Appellant's third point of error is in the following language:

> "The jury was prejudiced by the inconceivably flagrant abuse of the court's discretion in allowing it to consider certain inadmissible evidence offered by appellee and refusing to admit other evidence which was relevant offered by appellant."

This point obviously does not meet the requirements of Rule 418, T.R.C.P., in that it fails to direct the attention of the Court to any particular error relied upon. We have, however, considered each of the rulings of the trial judge in those instances where he ruled adversely to the plaintiff on the admission or exclusion of evidence. There is no reversible error in any of those rulings.

Plaintiff's second amended original petition, on which he went to trial, alleged that he was confined in the hospital and treated without his consent. It did not allege that the defendants, nor either of them, were guilty of any negligence which was a proximate cause of any injury to him. After both parties had rested, but before the charge was read to the jury, the plaintiff asked leave of court to file his third amended original petition. In that tendered pleading, he, for the first time, alleged, in general terms, that the defendant, Dr. Bruce, had been negligent in administering treatment to him and that such negligence was a proximate cause of injury to

him. The trial court denied leave to file the tendered pleading. The appellant complains by point of error. We overrule.

The only psychiatrist to testify in this case was the defendant, Dr. Bruce. He testified that the treatments given the plaintiff were in accordance with the procedures accepted by that school of practice of medical science as proper procedures in the treatment of the condition in which the plaintiff was. Dr. Bruce also testified that the treatments which he gave the plaintiff did not cause the plaintiff to suffer the loss of memory of which he was complaining. There was no testimony by any witness of the same school of practice as the defendant to the effect either that the defendant had used an improper method of treatment or that the treatment used was the cause of injury to the plaintiff. No evidence raising an issue of negligence or of proximate cause appears in the record. Bowles v. Bourdon (Tex. Sup. Ct.), 219 S.W.2d 779. The trial court, therefore, did not err in refusing to permit plaintiff to file his trial amendment. Kensinger v. McDavid, 380 S.W.2d 54, no writ history; Martin v. Shell Oil Co., 262 S.W.2d 564, no writ history.

This record reflects that the trial judge considerately and patiently extended to the plaintiff, representing himself, every opportunity to fully develop his case.

His opposing counsel, an able and experienced trial lawyer, carefully refrained from any overreaching or otherwise taking advantage of the situation. He went no farther than was necessary to protect the interests of his client. The record shows that the plaintiff had a fair trial and no reversible error was committed.

The judgment of the trial court is affirmed.

(S.) BERT H. TUNKS,
Chief Justice.

Judgment rendered, and opinion filed January 17, 1968.

APPENDIX C.

Court of Civil Appeals
First Supreme Judicial District
Harris County Civil Courts Building
Houston, Texas 77002

Spurgeon E. Bell
Chief Justice

(Mrs.) Rola Hamm
Clerk

Ewing Werlein
Tom F. Coleman
Associate Justices

Phone
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September 1, 1967

Hon. Elijah W. Ratcliff
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Attorney General
Hon. John H. Banks,
Assistant
Box R, Capitol Station
Austin, Texas 78711

Dear Sirs:

RE: 15136, Elijah White Ratcliff v. E. Ivan Bruce et al., from Galveston

Pursuant to the provisions of Senate Bill No. 261, Acts of the 60th Legislature, the above cause has been drawn by lot by the Clerk of the Court of Civil Appeals for the Fourteenth Supreme Judicial District of Texas, at Houston, and has this day been transferred to such Court.

Today I am delivering to the Clerk of said Fourteenth Court of Civil Appeals the complete record in the above cause together with a transcript of all orders entered by our Court therein together with the complete file of the correspondence pertaining to the case.

Respectfully,
ROLA HAMM,
Clerk.

APPENDIX D.

Court of Civil Appeals
First Supreme Judicial District
Harris County Civil Courts Building
Houston, Texas 77002

Spurgeon E. Bell
Chief Justice

(Mrs.) Rola Hamm
Clerk

Ewing Werlein
Tom F. Coleman
Associate Justices

Phone
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September 1, 1967

Hon. Elijah W. Ratcliff—pro se
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Mr. V. J. Beninati
District Clerk
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Miss Mary McGowan,
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Hon. Crawford C. Martin,
Attorney General
Hon. John H. Banks,
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RE: 15182, Elijah White Ratcliff, Relator, v. V. J. Beninati et al., Respondents—ORIGINAL PROCEEDING

Dear Sirs:

Pursuant to the provisions of Senate Bill No. 261, Acts of the 60th Legislature, the above cause has been drawn by lot by the Clerk of the Court of Civil Appeals for the Fourteenth Supreme Judicial District of Texas, at Houston, and has this day been transferred to such Court.

Today I am delivering to the Clerk of said Fourteenth Court of Civil Appeals the complete record in the above cause together with a transcript of all orders entered by our Court therein together with the complete file of the correspondence pertaining to the case.

Respectfully,
ROLA HAMM,
Clerk.

APPENDIX E.

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES—ARTICLE V.

Trials For Crimes; Just Compensation For Private Property Taken For Public Use.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES—ARTICLE XIV, SECTION 1.

Citizenship Defined; Privileges Of Citizens.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property,

without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

ARTICLE I, SECTION 19 OF THE TEXAS CONSTITUTION.

Due Course Of Law.

No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

STATE STATUTES.

Art. 1728. [1521] [940] [1011] Appellate jurisdiction

The Supreme Court shall have appellate jurisdiction co-extensive with the limits of the State, extending to all questions of law arising in the following cases when same have been brought to the Courts of Civil Appeals from appealable judgment of trial courts:

1. Those in which the judges of the Courts of Civil Appeals may disagree upon any question of law material to the decision.

2. Those in which one of the Courts of Civil Appeals holds differently from a prior decision of another Court of Civil Appeals, or of the Supreme Court upon any question of law material to a decision of the case.

3. Those involving the construction or validity of statutes necessary to a determination of the case.

4. Those involving the revenues of the State.

5. Those in which the Railroad Commission is a party.

6. In any other case in which it is made to appear that an error of substantive law has been committed by the Court of Civil Appeals which affects the judgment, but excluding those cases in which the jurisdiction of the Court of Civil Appeals is made final by statute.

Art. 2249.

To Court of Civil Appeals. An appeal or writ of error may be taken to the Court of Civil Appeals from every final judgment of the district court in civil cases, and from every final judgment in the county court in civil cases of which the county court has exclusive jurisdiction, and from every final judgment of the county court in civil cases in which the court has appellate jurisdiction, where the judgment or amount in controversy exceeds one hundred dollars exclusive of interest and costs.

Art. 3713.

Rule 11. When a written instrument is lost, destroyed or mutilated, or is out of reach of a subpoena duces tecum, secondary evidence is admissible

Rule 67. Amendments to Conform to Issues Tried Without Objection

When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. In such case such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made by leave of court upon motion of any party at any time up to the submission of the case to the Court or jury, but failure so to amend shall not affect the result of the trial of these issues; provided that written pleadings, before the time of submission, shall be necessary to the submission of special issues, as is provided in Rules 277 and 279.

Rule 90. Waiver of Defects in Pleading

General demurrers shall not be used. Every defect, omission or fault in a pleading either of form or of substance, which is not specifically pointed out by motion or exception in writing and brought to the attention of the Judge in the trial court before the instruction or charge to the jury or, in a non-jury case, before the rendition of judgment, shall be deemed to have been waived by the party seeking reversal on such account; provided that this rule shall not apply as to any party against whom default judgment is rendered.

Rule 166-A. Summary Judgment

(a) For Claimant. A party seeking to recover upon a claim, counterclaim, or cross-claim or to obtain a declaratory judgment may, at any time after the adverse party has appeared or answered, move with or without supporting affidavits for a summary judgment in his favor upon all or any part thereof. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to amount of damages.

(b) For Defending Party. A party against whom a claim, counterclaim, or cross-claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in his favor as to all or any part thereof.

(c) Motion and Proceedings Thereon. The motion shall be served at least ten days before the time specified for the hearing. The adverse party prior to the day of hearing may serve opposing affidavits. No oral testimony shall be received at the hearing. The judgment sought shall be rendered forthwith if the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that, except as to the amount of damages, there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.

(d) Case Not Fully Adjudicated on Motion. If on motion under this rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

(e) Form of Affidavits; Further Testimony. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions or by further affidavits.

(f) When Affidavits are unavailable. Should it appear from the affidavits of a party opposing the

motion that he cannot for reasons stated present by affidavit facts essential to justify his opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

(g) Affidavits Made in Bad Faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused him to incur, including reasonable attorney's fees, and any offending party or attorney may be adjudged guilty of contempt.

Rule 169. Admission of Facts

At any time after the defendant has made appearance in the cause, or time therefor has elapsed, a party may deliver or cause to be delivered to any other party or his attorney of record a written request for the admission by such party of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth by the request. Copies of the documents shall be delivered with the request unless copies have already been furnished. Whenever a party is represented by an attorney of record, delivery of a request for admissions shall be made to his attorney unless delivery to the party

himself is ordered by the court. The request for admissions must state that it is made under this rule and that each of the matters of which an admission is requested shall be deemed admitted unless a sworn statement is delivered to the party requesting the admissions or his attorney as provided in this rule. Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, not less than ten days after delivery thereof or within such further time as the court may allow on motion and notice, the party to whom the request is directed delivers or causes to be delivered to the party requesting the admission or his attorney of record a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny those matters. Any admission made by a party pursuant to such request is for the purpose of the pending action only and neither constitutes an admission by him for any other purpose nor may be used against him in any other proceeding. A true copy of a request for admissions or of a sworn statement in reply thereto, together with proof of the delivery thereof as provided in rule 21a, shall be filed promptly in the clerk's office by the party making such request or such sworn statement.

Rule 353. Notice of Appeal

(a) An appeal, when allowed by law, may be taken by notice of appeal (1) in open court, noted on the docket or embodied in the judgment, order

overruling motion for new trial, or other minute of the court, or (2) filed with the clerk; such notice to be given or filed within ten days after the judgment or order overruling motion for new trial is rendered.

(b) Such notice, when filed with the clerk, shall be sufficient if it state the number and style of the case, the court in which pending, and that appellant desires to appeal from the judgment, or from some designated portion thereof.

(c) No attempt to limit the scope of an appeal shall be effective as to a party adverse to the appellant unless the severable portion of the judgment from which the appeal is taken is designated in a separate notice served upon such adverse party and filed with the clerk within fifteen days after judgment or order overruling motion for new trial is rendered.

Rule 354. Cost Bond

The appellant shall execute a bond to be approved by the clerk, payable to the appellee in a sum at least double the probable amount of the costs in the trial court and the cost of the statement of facts and transcript, to be fixed by the clerk, less such sums as may have been paid by appellant on the costs, conditioned that appellant shall prosecute his appeal or writ of error with effect, and shall pay all the costs which have accrued in the trial court and the cost of the statement of facts and transcript. Each surety on the bond shall give his post

office address. Appellant may make the bond payable to the clerk instead of the appellee, and same shall inure to the use and benefit of the appellee and the officers of the court, and shall have the same force and effect as if it were payable to the appellee; or in lieu of a bond, appellant may deposit with the clerk cash equal to the estimated costs in the trial court and the cost of the statement of facts and transcript, less such sums as have been paid by appellant on the costs, and in that event the clerk shall file among the papers his certificate showing that the deposit has been made and copy same in the transcript, and this shall have the force and effect of an appeal bond.

Rule 355. Party Unable to Give Cost Bond

(a) When the appellant is unable to pay the costs of appeal or give security therefor, he shall be entitled to prosecute an appeal by filing with the clerk his affidavit stating that he is unable to pay the costs of appeal or any part thereof, or to give security therefor.

(b) The appellant or his attorney shall forthwith give notice of the filing of such affidavit to the opposing party or his attorney.

(c) Any interested officer of the court or party to the suit, may, by sworn pleading, contest the affidavit within ten days after the giving of such notice whereupon the court trying the case (if in session) or (if not in session) the judge of the court or

county judge of the county in which the case is pending shall set the contest for hearing, and the clerk shall give the respective parties notice of such setting.

(d) Upon such hearing the burden of proof shall rest upon the appellant to sustain the allegations of his affidavit.

(e) Where no contest if filed in the allotted time the allegations of the affidavit shall be taken as true.

(f) Where the appellant is able to pay or give security for a part of the costs of appeal he shall be required to make such payment or give such security (one or both) to the extent of his ability.

Rule 356. Time for Filing Cost Bond

(a) Whenever a bond for costs on appeal is required, the bond shall be filed with the Clerk within thirty days after rendition of judgment or order overruling motion for new trial. If a deposit of cash is made in lieu of bond the same shall be made within the same period.

(b) The affidavit in lieu of bond shall be filed not more than twenty days after the date of rendition of such judgment or order. As amended by orders of March 31, 1941, effective Sept. 1, 1941; Oct. 10, 1945, effective Feb. 1, 1946; and March 19, 1957, effective Sept. 1, 1957.

Rule 386. Time to File Transcript and Statement of Facts

In appeal or writ of error the appellant shall file the transcript and statement of facts with the clerk of the Court of Civil Appeals within sixty days from the rendition of the final judgment or order overruling motion for new trial, or perfection of writ of error; provided, by motion filed before, at, or within a reasonable time, not exceeding fifteen days after the expiration of such sixty day period, showing good cause to have existed within such sixty day period why said transcript and statement of facts could not be so filed, the Court of Civil Appeals may permit the same to be thereafter filed upon such terms as it shall prescribe.